

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

LANDWORKS CREATIONS, LLC.) C.A. NO.05-CV-40072 FDS
)
Plaintiff)
)
v.)
)
UNITED STATES FIDELITY AND GUARANTY)
COMPANY and)
LOVETT-SILVERMAN CONSTRUCTION)
CONSULTANTS, INC.)
)
Defendants)
)

**MOTION FOR SUMMARY JUDGMENT AND ENTRY OF SEPARATE AND FINAL
JUDGMENT OF THE DEFENDANT, LOVETT-SILVERMAN CONSTRUCTION
CONSULTANTS, INC.**

The defendant, Lovett-Silverman Construction Consultants, Inc. (“Lovett-Silverman”), respectfully submits this Motion for Summary Judgment, and respectfully requests that this Court enter an Order granting its motion and order the immediate entry of separate and final judgment pursuant to Fed. R. Civ. P. 54(b).

Judgment in favor of Lovett-Silverman on all claims is warranted because (1) the plaintiff cannot provide evidence of fraud with particularity as required by Fed. R.Civ. P. 9(b); (2) the plaintiff has to provide evidence sufficient to support the elements of its tortious interference claim against Lovett-Silverman; (3) the plaintiff’s M.G.L. c. 93A claim is barred by the plaintiff’s failure to send a c. 93A demand letter to Lovett-Silverman 30 days before filing suit and (4) the plaintiff is unable to provide evidence sufficient to support the elements of its c. 93A claim against Lovett-Silverman.

WHEREFORE, the defendant, Lovett-Silverman Construction Consultants, Inc., respectfully requests that this Honorable Court dismiss the claims against it or, in the alternative:

- (1) GRANT its motion for summary judgment against the plaintiff;
- (2) GRANT separate and final judgment; and
- (3) GRANT whatever additional relief it deems necessary and proper.

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

The undersigned certify that counsel have conferred and attempted in good faith to resolve or narrow the issue presented by the instant motion by requesting that the plaintiff, Landworks Creations, LLC, withdraw its claims against Lovett-Silverman Construction Consultants, Inc.

Respectfully submitted,

LOVETT-SILVERMAN
CONSTRUCTION CONSULTANTS, INC.
By its attorneys,

/s/ Julie A. Ciollo _____
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Dated: March 23, 2007

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on March 23, 2007.

/s/ Julie A. Ciollo

Julie A. Ciollo